

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1782 of 1999

And

CIVIL REVISION APPLICATION No 1783 of 1999

And

CIVIL REVISION APPLICATION No 1784 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PARIJAT MADHUVAN ASSOCIATION

Versus

ALKESH MAHESHKUMAR SHAH

Appearance:

MR UNMESH D SHUKLA for Petitioner
MR AJ PATEL for Respondent No. 3, 4
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/02/2000

COMMON ORAL JUDGEMENT

1. Learned counsel for the parties are under the agreement that these matters may be taken up for hearing together and may be disposed of by common order.

2. Learned counsel for the parties made their arguments with reference to the Civil Revision Application No.1783/99.

3. Heard the learned counsel for the parties.

4. Under the impugned order dated 27.10.1999 the learned trial court has granted the application filed by the respondent nos.3 and 4 for their impleadment as parties in the suit out of which this civil revision application has arisen. This order has been challenged by the defendants. I fail to see any justification in challenging of this order by the defendants. In the suit if these persons are ordered to be impleaded as defendants it is understandable that the plaintiff may have some grievance, but not the defendants. When the plaintiff has no objection to the order of the trial court, at the instance of the defendants this civil revision application cannot be entertained and decided in their favour. Moreover, I fail to see in case the order impugned in this civil revision application is allowed to stand, how it will occasion any failure of justice or cause any irreparable injury to the defendants. Identical order is challenged in another civil revision application by the defendants. So far as third revision application is concerned, though here the plaintiff has come up before this court, but the learned counsel for the petitioners therein has failed to show how the order passed by the court below is perverse.

5. Learned trial court has taken into consideration all the aspects of the matter. The third party has invested Rs.10 lacs and their names are not struck off from the record of the membership of the plaintiffs-petitioners. They are investors and rightly the court has accepted prima facie case in their favour. The third party has made grievance that there may have some chances that both the parties of the suit, may settle the matter in collusion and as a result of which third party may suffer lot economically.

6. Learned counsel for the plaintiffs-petitioners contended that, out Rs.10 lacs, Rs.8 lacs has already paid to the third party. Even, if it is taken to be correct, still Rs.2 lacs are there and it is also not in dispute that their names are not struck off for the

membership of the petitioners.

7. Learned trial court has passed just and reasonable order to which no exception can be made. Otherwise also, in case this order is allowed to maintain in third revision application, it will not occasion any failure of justice or cause irreparable injury to the plaintiffs-petitioners. If, ultimately they fail in the suit, while challenging the judgment and decree of the trial court, they can challenge this order. Whatever findings are recorded by this court in this order are only tentative for the purpose of deciding these revision applications and not as if the order of the court below is confirmed on merits.

8. In the result, all these civil revision applications fail and the same are dismissed. Rule in all the civil revision applications are discharged. Interim relief, if any, granted in the civil revision applications stand vacated. No order as to costs.

(pathan)